

AMENDED IN ASSEMBLY APRIL 1, 1997

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

**ASSEMBLY BILL**

**No. 839**

**Introduced by Assembly Member Thomson**

February 27, 1997

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An act to amend Sections 4800, 4801, 4802, 4804, 4804.5, 4806, 4826, 4831, 4832, ~~4836~~, 4846, 4848, 4850, 4852, 4853, 4856, 4883, and 4905 of, and to repeal, add, and repeal Section 4842.2 of, the Business and Professions Code, relating to veterinary medicine, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 839, as amended, Thomson. Veterinary medicine.

(1) Existing law vests in the Veterinary Medical Board in the Department of Consumer Affairs the administration of provisions regulating the practice of veterinary medicine and authorizes the board to appoint an executive officer. Under existing law, these administrative authority provisions become inoperative on July 1, 1998, and are repealed January 1, 1999.

This bill would extend the inoperative and repeal dates of these provisions to July 1, ~~2002~~ 2004, and January 1, ~~2003~~ 2005, respectively.

(2) Existing law prescribes the qualifications of members of the board ~~and prohibits a person from serving as a member of the board for more than 2 consecutive terms.~~

This bill would require the nonpublic members of the board to be veterinarians licensed by the state. ~~The bill would delete~~

~~the limitation on the number of consecutive terms a member may serve.~~

(3) Existing law authorizes the board to require any or all officers of the board to give a bond to the state. Existing law provides that the secretary of the Veterinary Medical Board shall receive expenses and shall not receive a salary for acting in the capacity of secretary.

This bill would delete the above provision that authorizes the board to require officers to give a bond. The bill would delete obsolete references to the secretary of the board.

(4) Existing law provides that a person practices veterinary medicine, surgery, and dentistry, and the various branches thereof, when he or she does certain activities for the prevention, cure, or relief of a wound, fracture, bodily injury, or disease of animals.

~~This bill would expand this provision to apply to the prevention, cure, or relief of any other condition of animals~~  
*make technical nonsubstantive changes to this provision.*

(5) Existing law makes it a misdemeanor for any person to violate or aid or abet in the violation of the provisions regulating the practice of veterinary medicine and provides for a fine of not less than \$500, nor more than \$2,000 and a minimum 30-day jail sentence.

~~This bill would instead make these prohibited acts a felony, punishable by imprisonment in the state prison, and would provide for a maximum fine of \$5,000~~  
*make technical nonsubstantive changes to this provision.*

(6) Existing law establishes within the jurisdiction of the board, a Registered Veterinary Technician Examining Committee to assist the board in the examination of applicants for veterinary technician registration and in the inspection and approval of schools or institutions offering a curriculum for training registered veterinary technicians and to make various recommendations. The committee consists of 8 members appointed as follows: one public member appointed by the Senate Committee on Rules, one public member appointed by the Speaker of the Assembly, and 6 members appointed by the Governor, 3 licensed veterinarians and 3 registered veterinary technicians. Under existing law, the

provisions establishing the committee become inoperative on July 1, 1998, and are repealed January 1, 1999.

This bill would recast the provisions relating to the composition of the committee and would provide that the committee shall consist of 4 5 members appointed by the board, one veterinarian ~~and member of the board,~~ 3 registered veterinary technicians, ~~and one public member of the board.~~ The bill would require the board to give public notice of all vacancies prior to appointments. This bill would ~~extend delete~~ the inoperative and repeal dates of these provisions to July 1, 2002, and January 1, 2003, respectively, ~~thereby extending these provisions indefinitely.~~

~~(7) Existing law authorizes the board to adopt regulations establishing animal health care tasks that may be performed by an unregistered assistant, registered veterinary technician, or licensed veterinarian.~~

~~This bill would authorize the board to adopt regulations establishing animal health care tasks that may be performed by other health care professionals licensed by the state.~~

~~(8) Existing law establishes the Registered Veterinary Technician Examining Committee Fund, a continuously appropriated fund, that consists of revenue received under the provisions regulating registered veterinary technicians. Existing law also establishes the Veterinary Medical Board Contingent Fund, a continuously appropriated fund, that consists of various fees the board is authorized to collect for purposes of the regulation of veterinarians.~~

This bill would require that all funds in the Registered Veterinary Technician Examining Committee Fund be transferred to the Veterinary Medical Board Contingent Fund and that on and after January 1, 1998, the Registered Veterinary Technician Examining Committee Fund be terminated. The bill would require that all funds to be collected under the provisions regulating registered veterinary technicians be deposited in the Veterinary Medical Board Contingent Fund. The bill would make these provisions inoperative on July 1, 2002, and would repeal them on January 1, 2003. By changing the purpose of and increasing the source of moneys in a continuously appropriated fund, this bill would make an appropriation.

~~(9)~~

(8) Existing law requires that applications for a license be upon a form furnished by the board and accompanied by a diploma from a veterinary college recognized by the board.

This bill would permit the application to be accompanied by a diploma or any other verification of graduation.

~~(10)~~

(9) Existing law requires the examination for licensure to practice veterinary medicine to consist of a written and practical examination, with certain exceptions for out-of-state applicants. Existing law authorizes the board to waive the examination requirements and issue a license if the applicant meets certain requirements, including that the applicant has graduated from a veterinary college recognized by the board or possesses a certificate issued by the Educational Commission for Foreign Veterinary Graduates of the American Veterinary Medical Association *which was issued as prescribed*.

This bill would delete reference to the American Veterinary Medical Association for purposes of this provision *and would delete the prescriptions related to the basis of issuance of the certificate*.

~~(11)~~

(10) Existing law requires a licensed veterinarian to conspicuously display his or her license at his or her principal place of business. Existing law also requires an applicant for renewal of a license to specify in his or her application whether he or she has changed the address of his or her place of practice.

This bill would require instead the licensed veterinarian to conspicuously display a copy of his or her license at his or her principal place of business. The bill would instead require that the applicant for renewal of a license specify in the application whether he or she has changed his or her mailing address.

~~(12)~~

(11) Existing law requires that all premises where veterinary medicine, veterinary dentistry, or veterinary surgery is being practiced be registered with the board. Existing law subjects equipment and drugs on the premises, or any other place, where veterinary medicine, veterinary

dentistry, or veterinary surgery is being practiced to inspection by the board.

This bill would apply the above registration requirement and inspection provisions to premises where the various branches of veterinary medicine, veterinary dentistry, or veterinary surgery are being practiced.

~~(13)–~~

(12) Existing law authorizes the board to deny, revoke, or suspend a license or assess a fine for false or misleading advertising having for its purpose or intent deception or fraud and for disciplinary action taken by any public agency for any act substantially related to the practice of veterinary medicine.

This bill would delete the requirement that the false or misleading advertising have for its purpose or intent deception or fraud. The bill would extend the provision relating to disciplinary action taken to apply to any public agency, in any state or territory.

~~(14)–~~

(13) Existing law provides that the maximum fee that the board can establish for veterinarians to file an application for examination is \$325 for the national examination and \$250 for the California state board examination. However, if the provisions establishing the board are repealed under existing law, the maximum fee to file an application for the national examination is \$250.

This bill would revise these fee provisions. The bill would establish the maximum fee to file an application for examination at \$100. The bill would establish a maximum fee of \$325 ~~each~~ for ~~Section 1 and Section 2~~ of the licensing examination and a maximum fee of ~~\$250~~ \$150 for the California state board examination.

By increasing the source of moneys in a continuously appropriated fund, this bill would make an appropriation.

Vote: majority. Appropriation: yes. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

SECTION 1. Section 4800 of the Business and Professions Code is amended to read:

4800. There is in the Department of Consumer Affairs a Veterinary Medical Board in which the administration of this chapter is vested. The board consists of six members, two of whom shall be public members.

This section shall become inoperative on July 1, 2002 2004, and, as of January 1, 2003 2005, is repealed, unless a later enacted statute, which becomes effective on or before January 1, 2003 2005, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 2. Section 4801 of the Business and Professions Code is amended to read:

4801. Each member, except the public members, shall be a graduate of some veterinary college authorized by law to confer degrees, a bona fide resident of this state for a period of at least five years immediately preceding his or her appointment, a veterinarian licensed by the state, and shall have been actually engaged in the practice of his or her profession in this state during this period. The public members shall have been residents of this state for a period of at least five years last past before their appointment and shall not be licentiates of the board or of any other board under this division or of any board referred to in Sections 1000 and 3600.

*No person shall serve as a member of the board for more than two consecutive terms.*

SEC. 3. Section 4802 of the Business and Professions Code is amended to read:

4802. The members of the board shall hold office for a term of four years. Each member shall serve until the appointment and qualification of his or her successor or until one year shall have elapsed since the expiration of the term for which he or she was appointed, whichever first occurs. A member may be reappointed subject to the limitation contained in Section 4801.

Vacancies occurring shall be filled by appointment for the unexpired term, within 90 days after they occur.

1 The Governor shall appoint the four members qualified  
2 as provided in Section 4801. The Senate Rules Committee  
3 and the Speaker of the Assembly shall each appoint a  
4 public member.

5 SEC. 4. Section 4804 of the Business and Professions  
6 Code is amended to read:

7 4804. The board shall elect a president, vice president,  
8 and any other officers of the board as shall be necessary,  
9 from its membership. The Attorney General shall act as  
10 counsel for the board and the members thereof in their  
11 official or individual capacity for any act done under the  
12 color of official right.

13 SEC. 5. Section 4804.5 of the Business and Professions  
14 Code is amended to read:

15 4804.5. The board may appoint a person exempt from  
16 civil service who shall be designated as an executive  
17 officer and who shall exercise the powers and perform the  
18 duties delegated by the board and vested in him or her by  
19 this chapter.

20 This section shall become inoperative on July 1, ~~2002~~  
21 ~~2004~~, and, as of January 1, ~~2003~~ 2005, is repealed, unless a  
22 later enacted statute, which becomes effective on or  
23 before January 1, ~~2003~~ 2005, deletes or extends the dates  
24 on which it becomes inoperative and is repealed.

25 SEC. 6. Section 4806 of the Business and Professions  
26 Code is amended to read:

27 4806. Each member of the board shall receive a per  
28 diem and expenses as provided in Section 103.

29 SEC. 7. Section 4826 of the Business and Professions  
30 Code is amended to read:

31 4826. Any person practices veterinary medicine,  
32 surgery, and dentistry, and the various branches thereof,  
33 when he or she does any one of the following:

34 (a) Represents himself or herself as engaged in the  
35 practice of veterinary medicine, veterinary surgery, or  
36 veterinary dentistry in any of its branches.

37 (b) Diagnoses or prescribes a drug, medicine,  
38 appliance, application, or treatment of whatever nature  
39 for the prevention, cure or relief of a wound, fracture,

1 bodily injury, ~~disease, or other condition~~ or disease of  
2 animals.

3 (c) Administers a drug, medicine, appliance,  
4 application, or treatment of whatever nature for the  
5 prevention, cure, or relief of a wound, fracture, bodily  
6 injury, ~~disease, or other condition~~ or disease of animals,  
7 except where the drug, medicine, appliance, application,  
8 or treatment is administered by an animal health  
9 technician or an unregistered assistant at the direction of  
10 and under the direct supervision of a licensed  
11 veterinarian subject to Article 2.5 (commencing with  
12 Section 4832). However, no person, other than a licensed  
13 veterinarian, may induce anesthesia unless authorized by  
14 regulation of the board.

15 (d) Performs a surgical or dental operation upon an  
16 animal.

17 (e) Performs any manual procedure for the diagnosis  
18 of pregnancy, sterility, or infertility upon livestock or  
19 Equidae.

20 (f) Uses any words, letters or titles in such connection  
21 or under such circumstances as to induce the belief that  
22 the person using them is engaged in the practice of  
23 veterinary medicine, veterinary surgery, or veterinary  
24 dentistry. This use shall be prima facie evidence of the  
25 intention to represent himself or herself as engaged in the  
26 practice of veterinary medicine, veterinary surgery, or  
27 veterinary dentistry.

28 SEC. 8. Section 4831 of the Business and Professions  
29 Code is amended to read:

30 4831. Any person, who violates or aids or abets in  
31 violating any of the provisions of this chapter, is guilty of  
32 a ~~felony~~ *misdemeanor* and upon conviction thereof shall  
33 be punished by a fine of not less than five hundred dollars  
34 (\$500), nor more than ~~five~~ *two* thousand dollars (~~\$5,000~~)  
35 (\$2,000), or by imprisonment in a county jail for not less  
36 than 30 days nor more than one year ~~or imprisonment in~~  
37 ~~the state prison~~, or by both the fine and imprisonment.

38 SEC. 9. Section 4832 of the Business and Professions  
39 Code is amended to read:



1 4832. (a) There is hereby created within the  
2 jurisdiction of the board, a Registered Veterinary  
3 Technician Examining Committee, hereinafter referred  
4 to as the ~~examining~~ committee.

5 (b) (1) The ~~examining~~ committee shall consist of ~~four~~  
6 ~~five~~ members appointed by the board. The ~~examining~~  
7 committee shall consist of one ~~veterinarian licensed to~~  
8 ~~practice veterinary medicine in the state and~~  
9 ~~veterinarian who is also a board member~~; three members  
10 who shall be registered veterinary technicians in the  
11 state, *and one public member who is also a board*  
12 *member.*

13 (2) Public notice shall be given of all vacancies prior  
14 to appointments. To appoint a person to the examining  
15 committee, an affirmative vote of a majority of those  
16 board members present at a meeting constituting at least  
17 a quorum is required.

18 (c) All doctors of veterinary medicine who are  
19 appointed members of the examining committee, shall  
20 have been licensed to practice veterinary medicine at  
21 least five years preceding their appointment. All  
22 veterinary technicians who are appointed members of  
23 the examining committee shall have been registered as  
24 an animal health or veterinary technician at least five  
25 years preceding their appointment.

26 (d) The members of the examining committee shall  
27 serve for a term of four years, except that the original  
28 examining committee appointments may be staggered to  
29 achieve rotational terms. No person may serve as a  
30 member of the committee for more than two consecutive  
31 terms.

32 ~~(e) This section shall become inoperative on July 1,~~  
33 ~~2002, and, as of January 1, 2003, is repealed, unless a later~~  
34 ~~enacted statute, that becomes operative on or before~~  
35 ~~January 1, 2003, deletes or extends the dates on which it~~  
36 ~~becomes inoperative and is repealed. The repeal of this~~  
37 ~~section renders the committee subject to the review~~  
38 ~~required by Division 1.2 (commencing with Section 473).~~

39 ~~SEC. 10. Section 4836 of the Business and Professions~~  
40 ~~Code is amended to read:~~

~~4836. (a) The board shall adopt regulations establishing animal health care tasks and an appropriate degree of supervision required for those tasks that may be performed only by a registered veterinary technician or a licensed veterinarian.~~

~~(b) The board also may adopt regulations establishing animal health care tasks that may be performed by an unregistered assistant, a registered veterinary technician, a licensed veterinarian, or other health care professional licensed by the state. The board shall establish an appropriate degree of supervision by a registered veterinary technician or a licensed veterinarian over an unregistered assistant for any tasks established under this subdivision and the degree of supervision for any of those tasks shall be higher than, or equal to, the degree of supervision required when a registered veterinary technician performs the task.~~

~~SEC. 11.~~

*SEC. 10.* Section 4842.2 of the Business and Professions Code is repealed.

~~SEC. 12.~~

*SEC. 11.* Section 4842.2 is added to the Business and Professions Code, to read:

4842.2. (a) Commencing January 1, 1998, all funds in the Registered Veterinary Technician Examining Committee Fund shall be transferred to the Veterinary Medical Board Contingent Fund and the Registered Veterinary Technician Examining Committee Fund shall be terminated.

(b) Commencing January 1, 1998, all funds collected by the board under this article shall be deposited in the Veterinary Medical Board Contingent Fund.

(c) This section shall become inoperative on July 1, 2002, and, as of January 1, 2003, is repealed, unless a later enacted statute, which becomes effective on or before January 1, 2003, deletes or extends the dates on which it becomes inoperative and is repealed.

~~SEC. 13.~~

*SEC. 12.* Section 4846 of the Business and Professions Code is amended to read:

1 4846. Applications for a license shall be upon a form  
2 furnished by the board and, in addition, shall be  
3 accompanied by a diploma or other verification of  
4 graduation from a veterinary college recognized by the  
5 board.

6 ~~SEC. 14.~~

7 *SEC. 13.* Section 4848 of the Business and Professions  
8 Code is amended to read:

9 4848. (a) (1) The board shall, by means of  
10 examination, ascertain the professional qualifications of  
11 all applicants for licenses to practice veterinary medicine  
12 in this state and shall issue a license to every person whom  
13 it finds to be qualified. No license shall be issued to anyone  
14 who has not demonstrated his or her competency by  
15 examination.

16 (2) The examination shall consist of both of the  
17 following:

18 (A) A licensing examination consisting of both of the  
19 following:

20 (i) An examination in basic veterinary science.

21 (ii) An examination of clinical competency.

22 (B) A California state board examination.

23 The examinations may be given at the same time or at  
24 different times as determined by the board. For  
25 examination purposes, the board may make contractual  
26 arrangements on a sole source basis with organizations  
27 furnishing examination material as it may deem desirable  
28 and shall be exempt from Section 10115 of the Public  
29 Contract Code.

30 (3) The licensing examination may be waived by the  
31 board in any case in which it determines that the  
32 applicant has taken and passed an examination for  
33 licensure in another state substantially equivalent in  
34 scope and subject matter to the licensing examination last  
35 given in California before the determination is made, and  
36 has achieved a score on the out-of-state examination at  
37 least equal to the score required to pass the licensing  
38 examination administered in California.

39 (4) Nothing in this chapter shall preclude the board  
40 from permitting a person who has completed a portion of

1 his or her educational program, as determined by the  
2 board, in a veterinary college, recognized by the board  
3 under Section 4846, to take any examination or any part  
4 thereof prior to satisfying the requirements for  
5 application for a license established by Section 4846.

6 (b) The board may waive the examination  
7 requirements of subdivision (a), and issue a license to an  
8 applicant to practice veterinary medicine, if the  
9 applicant meets all of the following requirements and  
10 would not be denied issuance of a license by any other  
11 provision of this code:

12 (1) The applicant is licensed in one or more other  
13 states in which the board has determined that he or she  
14 has taken and passed a licensing examination, and a  
15 written practical or written practice examination,  
16 equivalent in scope and subject matter to the California  
17 state board examination.

18 (2) The applicant has been lawfully and continuously  
19 engaged in the practice of veterinary medicine for four  
20 years or more in one or more states immediately  
21 preceding filing his or her application for licensure in this  
22 state.

23 (3) The applicant has graduated from a veterinary  
24 college recognized by the board under Section 4846. In  
25 the case of an applicant who is not a graduate of a  
26 veterinary college recognized by the board, he or she  
27 shall possess a certificate issued by the Educational  
28 Commission for Foreign Veterinary ~~Graduates which was~~  
29 ~~issued as a result of, among other things, passing the~~  
30 ~~Clinical Proficiency Examination administered by the~~  
31 ~~Educational Commission for Foreign Veterinary~~  
32 ~~Graduates. Graduates.~~

33 (4) The board determines that no disciplinary action  
34 has been taken against the applicant by any public agency  
35 concerned with the practice of veterinary medicine and  
36 that the applicant has not been the subject of adverse  
37 judgments resulting from the practice of veterinary  
38 medicine which the board determines constitutes  
39 evidence of a pattern of incompetence or negligence.

(5) The applicant passes a practicing veterinarian examination administered by the board or a committee or organization authorized by the board. It may be oral or practical or clinical in nature and full consideration shall be given to the duration and character of the applicant's practice.

~~SEC. 15.~~

*SEC. 14.* Section 4850 of the Business and Professions Code is amended to read:

4850. Every person holding a license under this chapter shall conspicuously display a copy of the license in his or her principal place of business.

~~SEC. 16.~~

*SEC. 15.* Section 4852 of the Business and Professions Code is amended to read:

4852. Every person holding a license issued under this chapter who changes his or her mailing address shall notify the board of his or her new mailing address within 30 days of the change. The board shall not renew the license of any person who fails to comply with this section unless the person pays the penalty fee prescribed in Section 4905. An applicant for the renewal of a license shall specify in his or her application whether he or she has changed his or her mailing address and the board may accept that statement as evidence of the fact.

~~SEC. 17.~~

*SEC. 16.* Section 4853 of the Business and Professions Code is amended to read:

4853. (a) All premises where veterinary medicine, veterinary dentistry, veterinary surgery, and the various branches thereof is being practiced shall be registered with the board. The certificate of registration shall be on a form prescribed in accordance with Section 164.

(b) "Premises" for the purpose of this chapter shall include a building, kennel, mobile unit, or vehicle. Mobile units and vehicles shall be exempted from independent registration with the board when they are operated from a building or facility which is the licensee manager's principal place of business and the building is registered

1 with the board, and the registration identifies and  
2 declares the use of the mobile unit or vehicle.

3 (c) Every application for registration of veterinary  
4 premises shall set forth in the application the name of the  
5 responsible licensee manager who is to act for and on  
6 behalf of the licensed premises. Substitution of the  
7 responsible licensee manager may be accomplished by  
8 application to the board if the following conditions are  
9 met:

10 (1) The person substituted qualifies by presenting  
11 satisfactory evidence that he or she possesses a valid,  
12 unexpired, and unrevoked license as provided by this  
13 chapter and that the license is not currently under  
14 suspension.

15 (2) No circumvention of the law is contemplated by  
16 the substitution.

17 ~~SEC. 18.~~

18 *SEC. 17.* Section 4856 of the Business and Professions  
19 Code is amended to read:

20 4856. (a) All records required by law to be kept by a  
21 veterinarian subject to this chapter, including, but not  
22 limited to, records pertaining to diagnosis and treatment  
23 of animals and records pertaining to drugs or devices for  
24 use on animals, shall be open to inspection by the board,  
25 or its authorized representatives, during an inspection as  
26 part of a regular inspection program by the board, or  
27 during an investigation initiated in response to a  
28 complaint that a licensee has violated any law or  
29 regulation that constitutes grounds for disciplinary action  
30 by the board. A copy of all those records shall be provided  
31 to the board immediately upon request.

32 (b) Equipment and drugs on the premises, or any  
33 other place, where veterinary medicine, veterinary  
34 dentistry, veterinary surgery, or the various branches  
35 thereof is being practiced, or otherwise in the possession  
36 of a veterinarian for purposes of that practice, shall be  
37 open to inspection by the board, or its authorized  
38 representatives, during an inspection as part of a regular  
39 inspection program by the board, or during an  
40 investigation initiated in response to a complaint that a

1 licensee has violated any law or regulation that  
2 constitutes grounds for disciplinary action by the board.

3 ~~SEC. 19.~~

4 *SEC. 18.* Section 4883 of the Business and Professions  
5 Code is amended to read:

6 4883. The board may deny, revoke, or suspend a  
7 license or assess a fine as provided in Section 4875 for any  
8 of the following:

9 (a) Conviction of a crime substantially related to the  
10 qualifications, functions, or duties of veterinary medicine,  
11 surgery, or dentistry, in which case the record of the  
12 conviction shall be conclusive evidence.

13 (b) For having professional connection with, or  
14 lending one's name to, any illegal practitioner of  
15 veterinary medicine and the various branches thereof.

16 (c) Violation or attempting to violate, directly or  
17 indirectly, any of the provisions of this chapter.

18 (d) Fraud or dishonesty in applying, treating or  
19 reporting on tuberculin or other biological tests.

20 (e) Employment of anyone but a veterinarian licensed  
21 in the state to demonstrate the use of biologics in the  
22 treatment of animals.

23 (f) False or misleading advertising.

24 (g) Unprofessional conduct, that includes, but is not  
25 limited to, the following:

26 (1) Conviction of a charge of violating any federal  
27 statutes or rules or any statute or rule of this state,  
28 regulating dangerous drugs or controlled substances. The  
29 record of the conviction is conclusive evidence thereof.  
30 A plea or verdict of guilty or a conviction following a plea  
31 of nolo contendere is deemed to be a conviction within  
32 the meaning of this section. The board may order the  
33 license suspended or revoked, or assess a fine, or decline  
34 to issue a license, when the time for appeal has elapsed,  
35 or the judgment of conviction has been affirmed on  
36 appeal or when an order granting probation is made  
37 suspending the imposition of sentence, irrespective of a  
38 subsequent order under Section 1203.4 of the Penal Code  
39 allowing the person to withdraw his or her plea of guilty  
40 and to enter a plea of not guilty, or setting aside the

1 verdict of guilty, or dismissing the accusation,  
2 information or indictment.

3 (2) (A) The use of or prescribing for or administering  
4 to himself or herself, any controlled substance.

5 (B) The use of any of the dangerous drugs specified in  
6 Section 4211, or of alcoholic beverages to the extent, or in  
7 any manner as to be dangerous or injurious to a person  
8 licensed under this chapter, or to any other person or to  
9 the public, or to the extent that the use impairs the ability  
10 of the person so licensed to conduct with safety the  
11 practice authorized by the license.

12 (C) The conviction of more than one misdemeanor or  
13 any felony involving the use, consumption or  
14 self-administration of any of the substances referred to in  
15 this section or any combination thereof and the record of  
16 the conviction is conclusive evidence.

17 A plea or verdict of guilty or a conviction following a  
18 plea of nolo contendere is deemed to be a conviction  
19 within the meaning of this section. The board may order  
20 the license suspended or revoked or assess a fine, or may  
21 decline to issue a license, when the time for appeal has  
22 elapsed or the judgment of conviction has been affirmed  
23 on appeal or when an order granting probation is made  
24 suspending imposition of sentence, irrespective of a  
25 subsequent order under Section 1203.4 of the Penal Code  
26 allowing the person to withdraw his or her plea of guilty  
27 and to enter a plea of not guilty, or setting aside the  
28 verdict of guilty, or dismissing the accusation,  
29 information, or indictment.

30 (3) A violation of any federal statute, rule, or  
31 regulation or any of the statutes, rules, or regulations of  
32 this state regulating dangerous drugs or controlled  
33 substances.

34 (h) Failure to keep one's premises and all equipment  
35 therein in a clean and sanitary condition.

36 (i) Fraud, deception, negligence, or incompetence in  
37 the practice of veterinary medicine.

38 (j) Aiding or abetting in any acts that are in violation  
39 of any of the provisions of this chapter.



(k) The employment of fraud, misrepresentation, or deception in obtaining the license.

(l) The revocation, suspension, or other discipline by another state or territory of a license or certificate to practice veterinary medicine in that state or territory.

(m) Cruelty to animals, conviction on a charge of cruelty to animals, or both.

(n) Disciplinary action taken by any public agency in any state or territory for any act substantially related to the practice of veterinary medicine.

(o) Violation, or the assisting or abetting violation, of any regulations adopted by the board pursuant to this chapter.

~~SEC. 20.~~

*SEC. 19.* Section 4905 of the Business and Professions Code is amended to read:

4905. The following fees shall be collected by the board and shall be credited to the Veterinary Medical Board Contingent Fund:

(a) The fee for filing an application for examination shall be set by the board in an amount it determines is reasonably necessary to provide sufficient funds to carry out the purpose of this chapter, but not to exceed one hundred dollars (\$100).

(b) The fee for ~~Section 1~~ of the licensing examination shall be set by the board in an amount it determines is reasonably necessary to provide sufficient funds to carry out the purpose of this chapter, not to exceed three hundred twenty-five dollars (\$325).

~~(c) The fee for Section 2 of the licensing examination shall be set by the board in an amount it determines is reasonably necessary to provide sufficient funds to carry out the purpose of this chapter, not to exceed three hundred twenty-five dollars (\$325).~~

~~(d)~~

(c) The fee for the California state board examination shall be set by the board in an amount it determines is reasonably necessary to provide sufficient funds to carry out the purpose of this chapter, not to exceed ~~two~~ one hundred fifty dollars ~~(\$250)~~ (\$150).

1 (e) The initial license fee shall be set by the board at  
2 not more than two hundred fifty dollars (\$250) except  
3 that, if the license is issued less than one year before the  
4 date on which it will expire, then the fee shall be set by  
5 the board at not more than one hundred twenty-five  
6 dollars (\$125). The board may, by appropriate regulation,  
7 provide for the waiver or refund of the initial license fee  
8 where the license is issued less than 45 days before the  
9 date on which it will expire.

10 (f) The renewal fee shall be set by the board for each  
11 biennial renewal period in an amount it determines is  
12 reasonably necessary to provide sufficient funds to carry  
13 out the purpose of this chapter, but not to exceed two  
14 hundred fifty dollars (\$250).

15 (g) The delinquency fee shall not exceed twenty-five  
16 dollars (\$25).

17 (h) The fee for issuance of a duplicate license is ten  
18 dollars (\$10).

19 (i) The board may make a charge for records,  
20 transcripts, and other official documents pertaining to  
21 the affairs of the board.

22 (j) The fee for failure to report a change in the mailing  
23 address is fifteen dollars (\$15).

24 (k) The initial and annual renewal fees for registration  
25 of veterinary premises shall be set by the board in an  
26 amount not to exceed one hundred dollars (\$100)  
27 annually.

28 (l) If the money transferred from the Veterinary  
29 Medical Board Contingent Fund to the General Fund  
30 pursuant to the Budget Act of 1991 is redeposited into the  
31 Veterinary Medical Board Contingent Fund, the fees  
32 assessed by the board shall be reduced correspondingly.  
33 However, the reduction shall not be so great as to cause  
34 the Veterinary Medical Board Contingent Fund to have  
35 a reserve of less than three months of annual authorized  
36 board expenditures. The fees set by the board shall not  
37 result in a Veterinary Medical Board Contingent Fund

1 reserve of more than 10 months of annual authorized  
2 board expenditures.

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